

From: LANI <info@lani.org.uk>
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To: +Comm Agri-Env-Rural Public Email
Subject: Response to Call for Evidence - Dilapidation Bill from Landlords Association for Northern Ireland

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Good Morning Glenda

It would appear that the purpose of this legislation would be to empower local councils to deal with dilapidated and dangerous buildings.

On reviewing this legislation the landlords association for N I would welcome the opportunity to contribute to the consultation. Many of our members suffer from having derelict dwellings next to their property often these properties have been empty and derelict for many years.

The question is not asked as to why a valuable asset remains in a derelict condition. It is our conclusion that, in many cases, owners of these buildings have been unable to obtain planning permission for an effective and economic use.

An example of this restrictive planning can be found in

Housing Management Areas where the restrictions are such that no planning will be given other than for a single family home. Such are the costs of refurbishment that in many cases, without change of use, no work will be done.

Therefore, although we are in sympathy with the aims of this Act, we feel that there needs to be investigation and appreciation of the reasons for properties lying in a vacant and derelict state. Some of the reasons are as follows, and a heavy handed and rigid approach by councils would, we feel, be inappropriate.

Reasons why properties could lie vacant for extended periods:

Planning delays

Probate delays

Family disputes

Financial difficulties

Crime scene issues- usually officially short term, but stigma can remain and delay reuse of a building.

The unviability of a scheme without change of use.

Environmental issues such as contaminated land, asbestos etc.

Getting down to the details of the proposed Act, we would make the following points:

We would draw your attention in particular to

5(3) Dilapidation Notices- 28 days is too short to lodge an appeal, bearing in mind the property has probably been derelict for years. The owner may need to contact planners, contractors for pricing, absent owners, solicitors etc, before deciding how to proceed. 3 months would be better. A delay in receiving planning permission does not seem to be a recognised defence.

7(2) Dangerous Structures- The council MUST serve a notice. 'MUST' should be replaced by 'MAY' to give councils discretion. The councils should have discretion. An obvious example is the stalled Tribeca scheme in North Street, Belfast, where discussions and negotiations have been long and complex and statutory notices could be counterproductive to finding a solution.

7(8)- The Public Health Act provisions could be revisited and perhaps tweaked, rather than introducing this new Act.

8(3) 14 days is too short to lodge an appeal.

10(4) Good to know that the council will give notice to the occupier before knocking the building down.

10(20) 14 days to appeal is too short. Should be at least 28 days.

11(6) 7 days too short to serve a counter notice relating to Defective Premises Notice. Should be 28 days.

We are available to address the committee if required.

Thank you

Kind regards
Robert Greer
Chairman LANI

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